

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

JOE L. RODRIGUEZ,

Plaintiff,

versus

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

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CIVIL ACTION NO. G-07-555

MEMORANDUM AND ORDER

Pending before this Court are Plaintiff Joe. L. Rodriguez's ("Rodriguez") Objections to the Magistrate Judge's Memorandum and Recommendation [Doc. # 17]. Rodriguez challenges the findings and conclusions in the Memorandum and Recommendation [Doc. # 16] entered by Magistrate Judge Calvin Botley on March 5, 2009, recommending that Defendant Michael J. Astrue's, Commissioner of the Social Security Administration ("Commissioner"), motion for summary judgment [Doc. # 14], be granted.

Rodriguez's Objections are deemed timely filed. *See* 28 U.S.C. § 636(b)(1). The district court must make a "*de novo* determination of the objections" raised by the parties. *See, e.g., Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

The Court has reviewed the Memorandum and Recommendation and Rodriguez's Objections, as well as made a *de novo* review of the Memorandum and Recommendation and specified proposed findings or recommendations to which objection is made. *See* FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); *McLeod, Alexander, Powel & Apffel, P.C. v. Quarles*, 925 F.2d 853, 855 (5th Cir. 1991).¹ For the reasons explained in the Magistrate Judge's Memorandum and Recommendation, the Court concludes that Rodriguez's objections should be overruled. It is therefore

ORDERED that Rodriguez's Objections to the Magistrate Judge's Memorandum and Recommendation [Doc. # 17] are **OVERRULED**. It is further

ORDERED that the Memorandum and Recommendation [Doc. # 16] is **ADOPTED** as this Court's Memorandum and Order. It is further

ORDERED that Rodriguez's Motion for Summary Judgment [Doc. # 11] is **DENIED**. It is further


ORDERED that the Commissioner's Motion for Summary Judgment [Doc. # 14], is **GRANTED**. It is further

¹ "It is reasonable to place upon the parties the duty to pinpoint those portions of the magistrate's report that the district court must specifically consider." *Nettles v. Wainwright*, 677 F.2d 404, 410 (5th Cir. 1982), *overruled on other grounds by Douglass v. United States Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996). "Parties filing objections must specifically identify those findings objected to. Frivolous, conclusive or general objections need not be considered by the district court." *Id.* at 410 n.8; *accord United States v. Carrillo-Morales*, 27 F.3d 1054, 1061 (5th Cir. 1994), *cert. denied*, 513 U.S. 1178 (1995).

ORDERED that the administrative law judge's decision denying Rodriguez disability benefits is **AFFIRMED**. It is finally

ORDERED that this matter be **DISMISSED** from the dockets of this Court.

SIGNED at Houston, Texas, on this the 26th day of March, 2009.



Nancy F. Atlas
United States District Judge